REMARKS

By this Amendment, claim 1 has been amended, claims 16-21 have been added, and claim 4 has been cancelled without prejudice. Claims 1-3, 5-8, and 16-21 are thus currently under examination in the present application. For the reasons set forth below, Applicants submit that the present amendments are proper and should be entered, and that upon entrance of the amendments, the present application will be placed in condition for immediate allowance.

As an initial matter, Applicants respectfully submit that the present amendments to claim 1 and the addition of claims 16-21 is proper and should be entered as these amendments do not raise issues requiring further consideration based on previously presented claims. In particular, claim 1 has merely been amended to indicate that the recited human anti-idiotypic antibody fragment "mimics" Her-2/neu tumor associated antigen in accordance with the Examiner's suggestion, and has further been amended to incorporate the features previously recited in claim 4, which has now been cancelled without prejudice. Additionally, claims 16-25 have simply been added to alternatively present features that are also recited in the claims depending from claim 1. Specifically, new claim 16 recites a human anti-idiotypic antibody fragment where the fragment comprises the amino acid sequence of SEQ ID NO: 1 and where the fragment is designated as scFv40, similar to what is recited in claim 5. New claims 17 and 18 depend from claim 16 and simply recite a multimer and a pharmaceutical composition, respectively, that are comprised of the antibody fragment of claim 16, similar to what is recited in claims 7 and 8 of the present application. Likewise, new claim 19 has been

added by the present amendments and recites a human anti-idiotypic antibody fragment where the fragment comprises the amino acid sequence of SEQ ID NO: 2 and where the fragment is designated as scFv69, similar to what is recited in claim 6. New claims 20 and 21 depend from claim 19 and recite a multimer and pharmaceutical composition, respectively, that are comprised of the antibody fragment of claim 19, again similar to what is recited in claims 7 and 8 of the present application. Accordingly, no new issues are raised by the amendments to claim 1 and the addition of claims 16-21, and Applicants respectfully submit that the amendments and claims should be entered.

In the Office Action dated June 28, 2010, the Examiner first maintained a rejection of claims 1-4 and 7-8 under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the Examiner asserted that claim 1 was indefinite because the phrase "which is capable of mimicking Her-2/neu tumor associated antigen" was not a positive recitation of the function of mimicking Her-2/neu. Without addressing the merits of the Examiner's assertion, Applicants respectfully submit that the rejection has been rendered moot by virtue of the present amendments. Specifically, by the present amendments, claim 1 has been amended such that it no longer recites an antibody fragment that "is capable of mimicking Her-2/neu tumor associated antigen," but instead recites an antibody fragment "which mimics Her-2/neu tumor associated antigen" in accordance with the Examiner's suggestion. Accordingly, Applicants thus submit that the Examiner's rejection, insofar as applied to the claims as amended, is respectfully traversed and should be withdrawn.

In the Office Action, the Examiner then maintained a rejection of claims 1-3 and 7-8 under 35 U.S.C. §112, as lacking enablement. Specifically, the Examiner asserted that while the specification was enabling for an anti-idiotypic antibody Fab- or ScFv-fragments, such as a scFv40-fragment comprised of SEQ ID NO: 1 or a scFv69-fragment comprised of SEQ ID NO: 2, the specification did not reasonably provide enablement for the broadly recited anti-idiotypic antibody Fab- or ScFv- fragments that are capable of mimicking Her-2/neu tumor associated antigen. In this regard, the Examiner further asserted that one of ordinary skill in the art would not know how to use the full scope of the invention because "capable of mimicking" was a phrase that did not clearly define a genus of antibodies that mimic Her-2/neu.

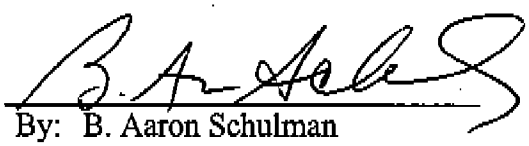
Without addressing the merits of these assertions, Applicants submit that the Examiner's rejection under 35 U.S.C. §112, first paragraph has also been rendered moot by virtue of the present amendments. As noted above, by the present amendments, claim 1 has been amended to recite a human anti-idiotypic antibody Fab- or ScFv- fragment that "mimics" Her-2/neu tumor associated antigen and has also been amended to specifically recite a fragment that "...is directed against trastuzumab $F(ab')_2$." Further, by the present amendments, claims 16 and 19 have been added to recite human anti-idiotypic antibody Fab- or ScFv- fragments that "mimic" Her-2/neu tumor associated antigen, and are comprised of the amino acid sequences of SEQ ID NO: 1 or 2 and are designated scFv40 or scFv69, respectively.

Accordingly, Applicants respectfully submit that the claims of the present application, as amended, are in full compliance with the requirements of 35 U.S.C. §112, first paragraph. Applicants thus respectfully submit that the Examiner's rejection, insofar as applied to the claims as amended, is respectfully traversed and should be withdrawn.

In light of the amendments and arguments provided herewith, Applicants submit that the present application overcomes all prior rejections and objections, and upon entrance of the present amendment will be placed in condition for immediate allowance. Such action is respectfully requested.

Respectfully submitted,

Date: September 28, 2010



By: B. Aaron Schulman
Registration No.: 31,877

STITES & HARBISON PLLC•1199 North Fairfax St•Suite 900•Alexandria, VA 22314
TEL: 703-739-4900 • FAX: 703-739-9577 • CUSTOMER NO. 000881